

REMARKS

The Office Action dated July 1, 2008, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto. Claims 4-19 are pending in this application. By this Amendment, claims 1-3 are cancelled without prejudice to or disclaimer of the subject matter disclosed therein, and new claims 4-19 are added. Support for the subject matter of new claims 4-19 can be found in the Drawings at, for example, Fig. 4. No new matter has been added. Reconsideration of the application is respectfully requested.

The Office Action rejects claim 3 under 35 U.S.C. §112, second paragraph, as being indefinite. The cancellation of claim 3 renders its rejection moot. Thus, withdrawal of the rejection of claim 3 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action rejects claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Baumann et al (U.S. Patent No. 5,497,677). The cancellation of claims 1-3 renders their rejection moot. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §102(b) is respectfully requested. However, currently pending claims 4-19 are patentable over Baumann for the reasons explained below.

The current application now claims an accelerator pedal that includes a stopper membrane, a pad member, a stopper fitting section, nail catch section provided in the stopper member and against which the nails are hooked, a hinge section provided for connecting the pad member and the stopper fitting section, wherein the nails are inserted toward the nail catch sections with the supporting plates bent inwardly, the nails are hooked against the nail catch sections after the insertion with the supporting

plates returned to the initial state, and a backup plate is provided which prevents the supporting plates from being deformed from the initial state, so that the backup plate secures the reliable engagement between the nails and the nail catch sections, as recited in new independent claim 4.

Baumann teaches an accelerator pedal device for a motor vehicle with a pedal plate which is swivellably disposed on a pedal holding device in the form of a housing, and an adjusting device connected with the pedal plate (Abstract). However, Baumann fails to disclose or suggest the above-discussed features of new claim 4, and thus claim 4 is allowable over Baumann.

Claims 5-19, at least for their dependence on patentable claim 4, and for their added features, are also allowable over Baumann.

Should the Examiner determine that further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event that any fees are due with respect to this paper, please charge
Deposit Account No. 01-230 0, referencing Atty. Docket No. **106145-00083**.

Respectfully submitted,



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